

United States District Court  
District of Delaware

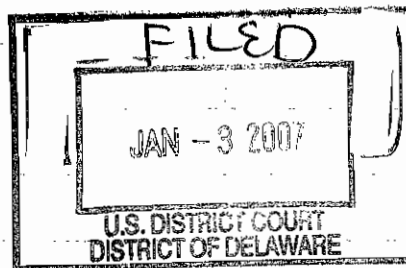
James St. Louis  
plaintiff

Civil Action  
# 06-6445LR

✓  
Ralph Heverin, David Pierce  
and affiant Bernie Williams  
defendants.

petition for  
appointment of  
counsel

James St. Louis hereby petition the  
court for appointment of counsel for the  
following reasons



BP signed

James St. Louis  
SBI 446518  
1181 Paddock Rd  
Amgona Re.  
19977

## Motion for Appointment of Counsel

### 1. factual complexity

### 2. plaintiff ability to investigate

The plaintiff is locked up in segregation and has no ability to investigate the facts. i.e. he is unable to identify, locate and interview witnesses see *Tucker v Randall*

948 F.2d 388 / *Gutson v Coughlin* 679 F.Supp.2d  
*Armstrong v Snyder* 103 FRD 96.105

In addition this case will require considerable discovery concerning the identity of witnesses, the officer and his reports and statements made and history of those involved with like reports, see *Tucker v Buckley* 613 F.Supp. 1124, 1133-34 (need for discovery supports appointment of counsel)

### 3. conflicting testimony - the plaintiffs account of his happenings is squarely in conflict with statements elicited by officials. This aspect of the case will be a credibility contest between the defendant and the plaintiff (and such inmate witnesses as can be located) the existence of these credibility issues support the appointment of counsel see *Gutson v Coughlin* 679 F.5

270, 273

4. The ability of the indigent to pursue claim

The plaintiff is an indigent prisoner with no legal training. A factor that supports the appointment of counsel see *Whitman v. Green* 739 F.2d 160, 163. In addition he is confined to segregated housing and limited to legal materials see *Rayes v. Johnson* 969 F.2d 700, 703-04. (citing lack of ready access to a law library as a factor supporting appointment of counsel.

5. legal complexity

The plaintiff has asked for a jury trial, which requires much greater legal skills than the plaintiff has or can develop. see *Abdullah v. Ginter* 949 F.2d 1032, 1036 (citing jury demand as a factor supporting appointment of counsel.

6. merits of the case the plaintiff alleges & proved clearly would establish a constitutional violation.

7. In deciding whether to appoint counsel for an indigent litigant the Court should consider the factual

Complexity of this case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, the ability of the indigent to present his claim and the complexity of the legal issues) (see *Abdullah v. Guntis* 949 F2d 1032)

In addition, courts have suggested that the most important factor is whether the case appears to have merit see *Cooper v. A Sargenti Co. Inc.* 877 F2d 170, 173

Wherefore, for the foregoing reasons, the Court should grant the plaintiff motion and appoint counsel in this case.

I declare under penalty of perjury that the foregoing is true and correct.

James L. Lewis  
SBI # 446518  
Delaware Correctional  
1181 Paddock Road  
Ameyra DE.